IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7722 OF 2007

Vitthal Pandurang Kamble & ors.... Petitioner

versus

State of Maharashtra & ors..... Respondent.

Shri S.S.Patwardhan for the petitioner
Shri P.D.Dalvi for the respondent no.5.

CORAM; A.P. DESHPANDE, J.
DATED; 18TH OCTOBER, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

1. Assistant Registrar in exercise of powers under section 78 of the Maharashtra State Co-operative Societies Act superseded the Managing Committee and appointed an administrator at its place. The members of the Managing Committee preferred an appeal before the Divisional Deputy Registrar, Co-operative Societies and therein prayed for stay of the order. The Appellate Authority dismissed the appeal on merit. Hence the present petitioners/Committee members preferred a revision before Joint Registrar,

Co-operative Societies and the Revisional Authority stayed the order passed by the Assistant Registrar dt. 28-8-2007 and also stayed the election process, set in motion by the administrator and adjourned the matter for hearing. This interim order passed by the Joint Registrar is challenged by the respondent no.5 society through the administrator before the State Government and the concerned Minister has granted stay of the order passed by the Joint Registrar which in turn stays the order passed by the Assistant Registrar. The petitioner has challenged the impugned order passed by the Minister on the ground that a second revision is not maintainable and thus the State Government did not have any jurisdiction to pass the impugned order. The learned counsel appearing for respondent no.5 submits that it has no objection if the impugned order is set aside and the parties are directed to remain present before the Joint Registrar for hearing of the revision filed by the present petitioners on merit. The learned AGP appearing for the respondent nos. 1 to 4 as well has no objection for the said course to be followed. Hence on concession, without expressing any opinion, the impugned order passed by the State Government dated 3-10-2007 is quashed and set aside. The parties undertake to appear before the Joint Registrar on 25-10-2007 and thus further notice from the Revisional

authorities to all the parties stand dispensed with. Revisional Authority shall decide the revision on merit in accordance with the law. Rule made absolute in the above terms.

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